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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,606

01/18/2005

Salah Bouzar

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466

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EXAMINER

ALLISON, ANDRAE S

ART UNIT

PAPER NUMBER

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,606	Applicant(s) BOUZAR, SALAH	
	Examiner ANDRAE S. ALLISON	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on January 18, 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>18 January 2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because:

Figure 1 is objected to because the rectangular boxes should be labeled in text.

For example, box 17 should be label memory means and box 6 should be labeled microprocessor or programmable processor member. . The numbering such as 17 and 6 can be labeled outside the boxes.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The information disclosure statement filed January 18, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 1 recites the limitation "the real image" in lines 9 and 12-13. There is insufficient antecedent basis for this limitation in the claim.

Claims 2-13 are being rejected as incorporating the deficiencies of the claim upon which it depends.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liam (WO 01/33503) in view of Bague (US Patent No.: 6,246,933).

As to independent claim 1, Liam discloses a method of detecting an incident on a portion of route (1) situated in a scene (2) (method for detecting traffic incident, column 1, lines 7-10) when said portion of route is suitable for having objects traveling therealong (detection of vehicle of region of interest (ROI) at traffic sites, column 11, lines 1-7), and when the method makes use of a video camera (3) (1301, see Fig 1) having a target (4) constituting an optoelectronic converter of a real optical image of the scene, said target being controlled by a programmable processor member (6) (image processing unit, see Fig 1), the process for detecting incidents being suitable for being performed by activating said programmable processor member only while the real image (5) of the scene focused on the target (4) is stationary (note that for incident detection for detection of a stop vehicle, the speed of the vehicle is zero, see column 22, lines 25-23 and column 23, lines 1-15), the method being characterized in that it consists: in detecting the beginning of movement of the real image of the scene relative to the target (note that the vehicle detection window detect the moving vehicle, column

Art Unit: 2624

21, lines 9-11); in deactivating the programmable processor member as soon as the real image of the scene begins to move relative to the target (note that if the vehicle is not present in the preceding and current frame the vehicle detection window will be in an idle state, see column 21, lines 14-15); in detecting the end of movement of the real image of the scene relative to the target (see column 21, lines where the vehicle detection window detect that the vehicle is not present, column 21, lines 12-14); and in reactivating the programmable processor member at the end of the movement of the real image of the scene relative to the target in order to implement the process for detecting an incident (see column 23, lines 1-15, where a stopped vehicle is detected indication a traffic incident). However, Liam does not expressly disclose an optoelectronic converter of a real optical image of the scene. Bague discloses a method for traffic accident data recording wherein an optoelectronic converter of a real optical image of the scene (see column 14, lines 30-31). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modified the method for detecting a traffic incident of Liam with the method for traffic accident data recording for reproducing and reconstructing accident by using traffic information stored in a traffic accident data recorder (column 1, lines 7-14) so that a traffic incident could be reconstructed using real historic data instead of post-accident or estimated data (column 6, lines 5-8).

As to claim 2, Liam teaches the method, characterized in that the beginning and the end of movement of the real image of the scene relative to the target are detected:

by determining at least one first image point of said real image of the scene corresponding to a fixed point of said scene; by generating a first command signal when said first image point is subjected to a change of position on said target; and in controlling said programmable processor member as a function of said first command signal (see column 19, lines 14-30, where textual measurement for the region of interest is computed using matrix elements).

As to claim 3, Liam teaches the method, characterized in that the beginning and the end of movement of the real image of the scene relative to the target are detected: by determining at least second and third image points of said real image of the scene corresponding respectively to two stationary points of said scene; by generating a second command signal when the distance between said second and third image points changes; and by controlling said programmable processor member as a function of the second command signal (see column 19, lines 14-30, where textual measurement for the region of interest is computed using matrix elements).

As to claim 4, Liam teaches the method, characterized in that the beginning and the end of movement of the real image of the scene relative to the target are detected: by determining at least fourth and fifth image points of said real image of the scene which correspond respectively to two stationary points of said scene; by generating a third command signal when the distance between the fourth and fifth image points varies and when at least one of the fourth and fifth image points is subject to a change

of position on said target; and by controlling said programmable processor member as a function of the third command signal (see column 19, lines 14-30, where textual measurement for the region of interest is computed using matrix elements).

As to claim 10, Liam teaches the method characterized by the fact that the beginning and the end of movement of the real image of the scene relative to the target are detected: by determining a plurality of image points of said real image of the scene corresponding to a plurality of points that are stationary at the beginning of movement of the real image; by generating a fourth command signal when a determined number of said plurality of image points have become stationary again at the end of movement of the real image; and by controlling said programmable processor member as a function of said fourth command signal (see column 19, lines 14-30, where textual measurement for the region of interest is computed using matrix elements).

10. Claims 5 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liam (PCT/SG99/00115) in view of Bague (US Patent No.: 6,246,933) further in view of Michalopoulos et al (Patent No.: US 4,847,772).

As to claim 5, neither Liam or Bague teach the method, characterized by the fact that it consists in subdividing said target into a plurality of photosensitive points, said photosensitive points being suitable for delivering signals as a function of the quantity of radiation received by their photosensitive surfaces. Michalopoulos discloses a vehicle detection method (column 1, lines 8-10) characterized by the fact that it consists in

Art Unit: 2624

subdividing said target into a plurality of photosensitive points, said photosensitive points being suitable for delivering signals as a function of the quantity of radiation received by their photosensitive surfaces (see Fig 3, where the image is divided into blocks, also see column 2, lines 55-65). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the method for detecting a traffic incident of Liem as modified by Bague with the vehicle detection method of Michalopoulos to determine vehicle presence, passage, measure various traffic parameters, thus facilitating traffic surveillance (column 1, lines 10-17) by processing selection portion of the successive frames (column 4, lines 30-35).

As to claims 11-13, note the discussion of claim 5 above.

Allowable Subject Matter

11. Claims 6-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made part of the record and not relied upon is considered pertinent to applicant's disclosure.

Shuming et al (NPL document titled: "Traffic Incident Detection Algorithm Based on Non-parameter Regression") is cited to teach a traffic incident detection algorithm.

Kamijo et al (NPL document titled: "Traffic Monitoring and Accident Detection at Intersections") is cited to teach a system that automatically monitoring traffic flow at intersections.

Taniguchi et al (US Patent No.: 5,396,283) is cited to teach a moving body measuring device.

Rathi (US Patent No.: 5,296,852) is cited to teach a method and apparatus for monitoring traffic flow.

Weil et al (US Patent No.: 6,177,885) is cited to teach system and method for detecting traffic anomalies.

Ng (US Patent No.: 6,470,261) is cited to teach an automatic freeway incident detection system.

Bunnen et al (US Patent No.: 5,912,634) is cited to teach a traffic monitoring device and method.

Higashikubo et al (US Patent No.: 6,188,778) is cited to teach a method for measuring traffic congestion.

Kanaki et al (US Patent No.: 6,137,531) is cited to teach a detecting device for road monitoring.

Waldemaier (US Patent No.:) is cited to teach a surveillance system with a optical member.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571)

Art Unit: 2624

270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Meta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

/Andrew W. Johns/
Primary Examiner, Art Unit 2624

March 24, 2008
A.A.